

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
December 12, 2012

REGULAR MEETING

Darien Town Hall - Room 206 – 7:48 to 9:02 PM

ZBA members present: Vic Capellupo, Ruth Anne Ramsey, John Ashburne and Rich Wood

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Acting-Chair Vic Capellupo opened the meeting at 7:48 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND CONTINUATIONS

Mr. Capellupo announced that the Continuation of Public Hearing of Calendar No. 45-2012, the application of Kathleen and Hugh Golden, 22 Sunset Road, is re-opened and immediately re-continued without testimony to January 16, 2013, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 49-2012, the application of Beth Harrington-Howes on behalf of Judith W. Kilmartin, 176 Nearwater Lane, is opened and immediately continued without testimony to January 16, 2013, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 50-2012, the application of Rob Frangione, P.E. and Frangione Engineering, LLC on behalf of Gavin and Melissa Baiera, 26 Shipway Road, is opened and immediately continued without testimony to January 16, 2013, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 51-2012, the application of Luke Raymond, 178 Nearwater Lane, is opened and immediately continued without testimony to January 16, 2013, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 52-2012, the application of Kathleen Willcox, 117 West Avenue, is opened and immediately continued without testimony to January 16, 2013, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 54-2012, the application of Robert F. Maslan, Jr. and Maslan Associates PC on behalf of JoyRide Darien LLC and UB Darien Inc., 25 Old Kings Highway North, is opened and immediately continued without testimony to January 16, 2013, at the applicant's request.

PUBLIC HEARINGS

The following hearing was held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 55-2012 - the application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Kenneth and Donah Antonelli, Trustees and Ken McCoy, and filed on November 14, 2012 for interpretations, and variances if necessary, of Section 339, previous ZBA determinations and the Zoning Enforcement Officer's determinations relative to the applicable lot depth and minimum setbacks. The property is an interior lot situated on the west side of Five Mile River Road approximately 600 feet south of the intersection of Tokeneke Road and Five Mile River Road and is shown on Assessor's Map #66 as Lot #102, being 18 Five Mile River Road and located in a R-1 and R-1/2 (residential) Zones.

Attorney Robert Maslan answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then continued to the next ZBA meeting on January 16, 2013.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested six month extension, received November 20, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 57-2010, 205 Post Road Development Partners, 205 Boston Post Road. The Public Hearing of this matter was September 22, 2010. Following a November 15, 2011 request, on November 16, 2011 the ZBA granted an extension to June 7, 2012. Following a

May 3, 2012 request, on May 16, 2012 the ZBA granted an extension to December 7, 2012.

Upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, the ZBA voted 4-0 to GRANT the requested six month extension.

Approval of Summary Minutes of meeting on July 18, 2012. ZBA members attending this meeting were Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey and John Ashburne.

Upon a motion by Vic Capellupo, seconded by Ruth Anne Ramsey, the ZBA voted 3-0 to APPROVE the subject minutes. Those voting in favor were Vic Capellupo, John Ashburne and Ruth Anne Ramsey. Gary Greene, Al Tibbetts and Jeff Williams previously indicated their approval.

Approval of Minutes of meeting on October 17, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, John Ashburne, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by John Ashburne, seconded by Rich Wood, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were John Ashburne, Rich Wood, Vic Capellupo and Ruth Anne Ramsey. Gary Greene previously indicated his approval.

Approval of Minutes of meeting on November 14, 2012. ZBA members attending this meeting were Vic Capellupo, Jeff Williams, Chuck Deluca, Steve Olvany, John Ashburne and Rich Wood.

This matter was tabled until the next scheduled ZBA meeting on January 16, 2013.

Requested amendment to the approved plans of Calendar No. 19-2012, Michael Bret Pastor & Devon Field Pastor, 90 Five Mile River Road.

This matter was tabled until the next scheduled ZBA meeting on January 16, 2013.

Requested amendment to the approved plans of Calendar No. 10-2011, Thomas Almeida/Thais Gherardi, 45 Hoyt Street.

Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 4-0 to GRANT the requested amendment.

Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.

This matter was tabled until the next scheduled ZBA meeting on January 16, 2013.

ADJOURNMENT

Upon a motion by John Ashburne, seconded by Ruth Anne Ramsey, and a ZBA vote of 4-0, the meeting was adjourned at 9:02 PM.

These Meeting Minutes,
Respectfully submitted December 17, 2012,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by John Ashburne, seconded by Vic Capellupo, the ZBA voted 2-0 to approve the minutes at the ZBA meeting on January 23, 2103. John Ashburne and Vic Capellupo voted in favor of the motion. Ruth Anne Ramsey and Rich Wood previously indicated their approval.